

REMARKS

In response to the Office Action, independent Claims 1, 14, 19, 31 and 36 are amended. Claims 18, 35 and 44 were previously cancelled. Claims 1-17, 19-34, 36-43 and 45 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendment and the following remarks.

I. Objection to the Claims

Claims 1-17, 19-34, 36-43 and 45 are objected to because of the informalities of the claims referring to “simulating a string.” Applicant amends Claims 1 and 19 to recite “simulate the movement of the string” as suggested by the Examiner, and removes “simulating the string” from Claim 36. Accordingly, withdrawal of the objection is respectfully requested.

II. Double Patenting Rejection

Claims 1-17, 19-34, 36-43 and 45 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of Applicant’s co-pending U.S. Patent Application No. 10/949,464.

Applicant submits the conflicting co-pending application and the current application, as amended, include distinct features. For example, Claim 1 of the co-pending application recites a force acting on the string simulates a stream of a fluid medium flowing relative to the string in a direction having a component in a third direction orthogonal to both the first and second directions, where the first direction is defined by the longitudinal axis of the string and the second direction is orthogonal to the first direction. Claim 1 of the current application recites a force exerted by a stream of a fluid medium flowing in a direction that has a component along a longitudinal axis of the string. Thus, the two applications include distinct features with respect to the direction of the force acting on the string. Further, Claim 1 of the current application recites simulating a player blowing along a string of a musical instrument, which is not recited in the co-pending application. Accordingly, withdrawal of the double patenting rejection is respectfully requested.

However, Applicant reserves the opportunity to file any appropriate response (e.g., a terminal disclaimer) in the event that the pending claims are otherwise allowable.

III. Claims Rejected Under 35 U.S.C. §102(b)/103

Claims 1-17, 19-34, 36-43 and 45 stand rejected under 35 U.S.C. §102(b)/103 as being clearly anticipated by inventor Sapp (“Sapp”) or, in the alternative under 35 U.S.C. §103(a) as obvious over Sapp in view of Chin et al., *A numerical model of a towed cable-body system*, Anziam J. 42 (E) pp. C362-C384, 2000 (“Chin”).

Claim 1, as amended, recites the elements of “simulating a player blowing along a string of a musical instrument with a force acting on the string having a movable end.” Applicant submits that the cited references do not teach or suggest these elements.

The Examiner indicates that Sapp (in the background of the current application) discloses the same equation as the recited wave equation, and further contends that the only differences between Sapp and Claim 1 are the boundary condition and the external force (pages 4-6 of the Office Action). To clarify the subject matter to be claimed, Claim 1 is amended to include the limitations of “simulating a player blowing along a string of a musical instrument with a force acting on the string having a movable end.” Neither Sapp in the background nor Chin discloses the simulation of a player blowing along a string of a musical instrument with the recited force. As indicated in the third paragraph of page 6, it is disclosed by the inventor Sapp that “in prior art models it is impossible to generate a sound by simulating a player blowing along the length of a string.” The background of Sapp does not disclose the simulation of a player blowing along a string. Rather, the background merely mentions the simulation of a vibrating string. Chin discloses a towed cable-body, which is totally unrelated to the simulation of a player blowing along a string.

The Examiner states:

“The Examiner is aware that the background refers to two immovable ends for the string; however, these are arbitrary boundary conditions. The equations in the claims are identical to those disclosed in the background. The choice of boundary condition does not patentably limit the wave equation and merely depends upon the intended use of the “string” and its wave equation.”

Applicant submits that the use of a wave equation with a boundary condition is merely an implementation of the simulation method recited in Claim 1. To further clarify the subject matter

to be claimed, Applicant removes “the wave equation” and “the first equation” from Claim 1. As indicated above, the feature of using a force acting on a string having a movable end to simulate a player blowing along a string of a musical instrument is not mentioned anywhere in the cited references. Therefore, Claim 1 and its dependent claims are neither anticipated by Sapp nor obvious over Sapp in view of Chin.

Analogous discussions apply to independent Claims 19 and 36, which are amended to include similar limitations. Their dependent claims are patentable by virtue of dependency. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of Claims 1-17, 19-34, 36-43 and 45 under 35 U.S.C. §102(b)/103.

IV. Claims Rejected Under 35 U.S.C. §103

Claims 1-17, 19-34, 36-43 and 45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chin in view of Applicant's Own Admission (“AOA”).

For at least the reasons mentioned above, Chin and AOA, individually or in combination, does not teach or suggest each of the elements of independent Claims 1, 19, 36, and their respectively dependent claims. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of Claims 1-17, 19-34, 36-43 and 45 under 35 U.S.C. §103(a).

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of Claims 1-17, 19-34, 36-43 and 45 under 35 U.S.C. §103(a).

CONCLUSION

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

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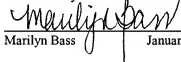
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